

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ERIC JACKSON, *et al.*,

Plaintiffs,

v.

ALEJANDRO N. MAYORKAS,
Secretary of Homeland Security, *et al.*,

Defendants.

Case No. 4:22-cv-825-P

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants respectfully notify the Court of the Fourth Circuit's recent decision in *Alvarado v. Austin*, No. 23-1419 (4th Cir. Aug. 3, 2023) (attached as Ex. 1).

In that case, military chaplains serving each of the Armed Forces, including the Coast Guard, challenged the military's COVID-19 vaccination requirement and alleged adverse actions stemming from that requirement under the Religious Freedom Restoration Act and the First Amendment, among other authorities. The district court previously had denied the *Alvarado* plaintiffs' motion for a preliminary injunction and dismissed the case as non-justiciable. *See Alvarado v. Austin*, No. 1:22-cv-876-AJT-JFA, 2022 WL 18587373, at *4–10 (E.D. Va. Nov. 23, 2022), *reconsideration denied*, 2023 WL 2089246 (E.D. Va. Feb. 17, 2023). On appeal, and after briefing from the parties on mootness, the Fourth Circuit found the case was moot in its entirety, vacated the district court's earlier orders, and remanded the case with instructions for the district court to dismiss as moot. *See Ex. 1*, at 2.

The Fourth Circuit's order provides additional authority in support of Defendants' motion to dismiss the complaint as moot, ECF No. 69.

Dated: August 11, 2023

Respectfully submitted,

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